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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,652	11/29/2001	Naoto Ohashi	SHC0160	7387

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EXAMINER

REICHLE, KARIN M

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,652

Applicant(s)

OHASHI ET AL.

Examiner

Karin M. Reichle

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11-21-03 has been entered.

Specification

2. The substitute specification filed 11-21-03 has not been entered because the amendments to page 6 as seen in the marked up copy is new matter, i.e. "outer surface of the outer sheet" should be --inner surface of the outer sheet-- to be consistent with the originally filed specification.

Drawings

3. The drawings amendments filed 11-21-03 have been placed in the application. However such do not comply with the revised form of submitting drawing amendments effective 7-30-03, i.e. the replacement sheets were not included and the marked up copy was not labeled as "Annotated Marked-up Drawings". Therefore, approval of such changes is held in abeyance until such amendments are brought into compliance with 37 CFR 1.121 effective 7-30-03.

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4. The drawings are objected to because in Figure 2, the line from the rightmost 29 should also be dashed to denote underlying structure, see Figure 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the invention as claimed in claims 3 and 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Applicants remarks on page 8, line 6-page 9, line 3 have been considered but are deemed not persuasive because Figure 7, a cross section along line IV-IV of Figure 2, does not show at least one groove which extends across the crotch region into the front and rear waist regions which is intersected by a second groove. Figure 7 shows a first groove which extends into one of the waist regions which is intersected by the second groove. Also claim 8 would not require the same illustration as Figure 6 because 28 would not be shown, i.e. the pressure sensitive adhesive would be denoted differently.

Description

6. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise

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and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 1, line 15, the spacing of the words on line 16 of page 1 as well as page 4, line 67, page 5, line 20, page 6, line 10, page 7, line 4, page 10, lines 15 and 17, and page 11, line 2; page 2, line 12, page 3, line 4, page 6, line 14, page 7, line 12, page 9, lines 5 and 20, page 10, line 14, page 11, lines 1 and 15, page 12, line 3, page 16, line 10.

7. The disclosure is objected to because of the following informalities: 1) The Summary of the Invention section, i.e. a description of the claimed invention, and the invention of the claims should be commensurate, see MPEP 608.01(d) and 1302.01. 2) Since "MAGICTAPE"(R) on page 7, line 5 is a trademark, it should be shown with either all capital letters or a symbol but not both. 3) On page 9, line 17, "36"(second) should be --37--. 4) While the amended description at page 15, lines 14-18 is supported by the originally filed Figures, such description is inconsistent with the description at page 15, lines 12-14, i.e. should the description of Figure 9 be positioned on page 15, line 12, after "37."?

Appropriate correction is required.

Claim Language Interpretation

8. With regard to claims 6 and 7, these claims are interpreted as requiring the backsheet and topsheet, respectively, also formed with the claimed grooves(It is noted these claims would be in better form if on line 2, "formed" were amended as --which is also formed--). Claim 1 now recites the at least one groove being excluded from extending longitudinally across a central crotch portion of the diaper. "Excluded" is interpreted as not being present. While a crotch

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region 8 has been described, the terminology "a central crotch portion of the diaper" has not been specifically defined relative to that region textually or pictorially nor has such region and such portion been described with regard to specific dimensions. Therefore such terminology will be given its common meaning, i.e. some central portion of a crotch region, i.e. the at least one groove is not present at some centrally located portion of a crotch region which portion can be of any dimension.

Claim Rejections - 35 USC § 102

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1, 2, 4-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Morin '003.

See Figures, especially the lower right cutaway corner of Figure 1 which shows the grooves 17 stopping at the solid transverse line spaced inwardly of the longitudinal end of the pad, i.e. the grooves do not extend all the way to the longitudinal ends of the pad, col. 1, lines 17-18, col. 2, lines 11-14 and 29-32, col. 3, lines 34-38 and 66-69, col. 4, lines 11-16 and 37-64 and claim 12 of Morin, i.e. cover member is 13, topsheet is 11, core is 12 and backing sheet is 15, groove(s) are 17. With regard to the new limitation added to claim 1, see paragraph 8 supra and the Figures of Morin '003 which show some centrally located portion of the crotch region not including grooves 17, i.e. at least a portion of one of the centrally located portions between two centrally grooves 17. Attention is also again directed to the response to Applicant's arguments in paragraph 15 in the FINAL, Paper No. 10 and infra.

Claim Rejections - 35 USC § 103

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morin '003 in view of the American Heritage Dictionary definition of "grid" and Megison et al '630.

Applicants claim first grooves extending longitudinally and second grooves extending orthogonally to the first grooves, intersecting with the first grooves and extending to transverse side edges of the absorbent member. It is Examiner's first position that the portions of Morin cited supra teach such structure. In any case, Morin teaches the grooves can be interconnected strips, can extend longitudinally and transversely and can be in the form of a grid. The American Heritage Dictionary teaches a grid is "A frame work of parallel or crisscrossed bars, gridiron" or "A pattern of horizontal and vertical lines forming squares of uniform size on a map, chart aerial ...points". Also see Megison et al, Figures and col. 9, lines 10-14. To employ the claimed pattern of grooves on the Morin device(if not already) would be obvious to one of ordinary skill in the art in view of The American Heritage Dictionary and Megison in view of the recognition that such pattern includes interconnected strips which extend longitudinally and transversely in the form of a grid and the desire of Morin to employ such or similar patterns. With regard to the new limitation added to claim 1, see paragraph 8 supra, i.e. the grid pattern includes some centrally located portion of the crotch region not including grooves, i.e. at least a portion of one of the centrally located portions between two centrally grooves. Attention is also again directed to the response to Applicant's arguments in paragraph 15 in the FINAL, Paper No. 10 and infra.

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13. Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassman '210 in view of Morin '003 and Johnson et al '120.

Glassman teaches all the claimed structure, except for grooves being formed in the backsheet facing side, i.e. see Figures 1, 3, 5, cover is 11, member is 17, topsheet is 14a, core is 13a and backing sheet is 12a, the adhesive detachably fixing the member to the cover is 22, see col. 2, lines 63-65 and col. 4, lines 19-23, grooves are 25, see col. 3, lines 32-37 and claims 7-8. The grooves 25 are for distributing moisture within the member and prevent puddling. Also note the cited portions of Morin, i.e. grooves 17 are for distributing moisture within absorbent member and prevent puddling, and Figures 2 and 4 and col. 6, lines 17-24 of Johnston et al, i.e. grooves for distributing moisture may channels or grooves on one or both major surfaces for fluid distribution. To employ grooves on both sides of the insert of Glassman et al instead of just one side would have been obvious to one of ordinary skill in the art in view of the teachings of Morin and Johnston et al due to the recognition that such would improve the distribution of moisture, i.e. more grooves for distribution, and Glassman's desire for such distribution as well as the interchangeability of channels on both sides for channels on one side as taught by Johnston et al. With regard to the new limitation added to claim 1, see paragraph 8 supra and the Figures of Glassman which show some centrally located portion of the crotch region not including grooves 25, i.e. at least a portion of one of the centrally located portions between two centrally grooves 25. Attention is also again directed to the response to Applicant's arguments in paragraph 15 in the FINAL, Paper No. 10 and infra.

Response to Arguments

14. Applicant's remarks have been considered but are either deemed moot in that the issue discussed has not been repeated or is deemed not persuasive for the reasons discussed supra. It is noted that Applicants remarks with regard to the claim language added to claim 1 and the prior art is deemed not persuasive because such argument is narrower than the claim language, i.e. see claim language interpretation section and interpretation of the added language, and the teachings of the prior art, i.e. the prior art teaches the added limitation as interpreted.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art references show othe absorbent articles with various patterns of embossments.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (703) 308-2617. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703) 308-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

K.M. Reichle
Karin M. Reichle
Primary Examiner
Art Unit 3761

KMR
February 5, 2004